

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 1:03cr203-12

v.

HON. ROBERT J. JONKER

BILLY DUANE TOLIVER,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

This matter is before the Court on defendant's Motion for Modification or Reduction of Sentence Pursuant to 18 U.S.C. §3582(c)(2) (docket #646). Based on a review of defendant's motion, the Sentence Modification Report, the Revised Sentence Modification Report, the submissions by counsel on behalf of the defendant and the government, Mr. Toliver's letter to the Court, and the original criminal file, the Court has determined that the motion should be denied because the new calculation does not result in a lower guideline range. Accordingly,

IT IS ORDERED that the Motion for Modification or Reduction of Sentence (docket # 646) is **DENIED**.

Under Administrative Order 08-052, the Clerk is directed to reassign this case back to the Honorable Gordon J. Quist for all further proceedings.

/s/Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE

Dated: June 27, 2008